



1633 / Ifw

Docket No.: 10738-37

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Marlene Troxle
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Randy S. Seeley : Paper No:
U.S. Serial No.: 10/506,935 : Group Art Unit: 1633
Filing Date: April 25, 20005 : Examiner: Kelly, Robert M.
Title: **OVERFEEDING METHODS FOR DETERMINING
THERAPEUTIC STRATEGIES AND/OR TARGETS FOR
OBESITY THERAPEUTICS**

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In the Official Action dated July 26, 2006 the Examiner required a selection of tissues set forth in claims 7-8, a selection of "a single level of expression" as set forth in claim 9, and selection of a single bioinformatics analysis as set forth in claim 12. The Examiner required Applicants to elect a single species to which the claims will be restricted if no generic claim is finally held to be allowable, and to identify the claims readable on the elected species.

Applicant hereby elects, with traverse, the method species wherein the tissue sample according to claims 7 and 8 comprises brain tissue, specifically, hypothalamus tissue. Applicant further elects isolation of RNA according to claim 9 to determine a level of expression thereof, and bioinformatical analysis comprising statistical analysis as recited in claims 10 and 11. The claims which read on the elected species include all of the claims 1-13.

This election is made with traverse on the basis that it would not be unduly burdensome for the Examiner to examine all of claims 1-13 in the present application. In particular, Applicants note that RNA expression, DNA expression, and protein expression are quite interdependent and that searching on the basis of one will undoubtedly yield results related to the other, whereby recourses are duplicated and wasted with separate examination. Further, Applicants note that nearly all researchers apply multiple bioinformatical paradigms to analysis of particular data, such that a search for all the bioinformatical analyses paradigms would be the most efficient. Surely, it is clear that the number of search classes and overall burden to the Examiner in considering all bioinformatical means recited in the claims would increase insubstantially, if at all, by examining them together.

Accordingly, reconsideration of the election/restriction requirement and examination of claims 1-13 in the present application are respectfully requested.

Respectfully submitted,

By: 

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